

SENATE SUBSTITUTE

FOR

HOUSE BILL NO. 336

AN ACT

To repeal sections 84.480, 84.510, 84.830, 86.200, 86.257, 86.263, 99.845, 190.100, 321.015, and 321.322, RSMo, and to enact in lieu thereof twelve new sections relating to emergency services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 84.480, 84.510, 84.830, 86.200, 86.257,
2 86.263, 99.845, 190.100, 321.015, and 321.322, RSMo, are repealed
3 and twelve new sections enacted in lieu thereof, to be known as
4 sections 67.145, 84.480, 84.510, 84.830, 86.200, 86.257, 86.263,
5 99.845, 190.098, 190.100, 321.015, and 321.322, to read as
6 follows:

7 67.145. No political subdivision of this state shall
8 prohibit any first responder, as the term "first responder" is
9 defined in section 192.800, from engaging in any political
10 activity while off duty and not in uniform, being a candidate for
11 elected or appointed public office, or holding such office unless
12 such political activity or candidacy is otherwise prohibited by
13 state or federal law.

14 84.480. The board of police commissioners shall appoint a
15 chief of police who shall be the chief police administrative and
16 law enforcement officer of such cities. The chief of police
17 shall be chosen by the board solely on the basis of his or her
18 executive and administrative qualifications and his or her

1 demonstrated knowledge of police science and administration with
2 special reference to his or her actual experience in law
3 enforcement leadership and the provisions of section 84.420. At
4 the time of the appointment, the chief shall not be more than
5 sixty years of age, shall have had at least five years' executive
6 experience in a governmental police agency and shall be certified
7 by a surgeon or physician to be in a good physical condition, and
8 shall be a citizen of the United States and shall either be or
9 become a citizen of the state of Missouri and resident of the
10 city in which he or she is appointed as chief of police. In
11 order to secure and retain the highest type of police leadership
12 within the departments of such cities, the chief shall receive a
13 salary of not less than eighty thousand two hundred eleven
14 dollars, nor more than one hundred [seventy-two] eighty-nine
15 thousand [four] seven hundred [seventy-eight] twenty-six dollars
16 per annum.

17 84.510. 1. For the purpose of operation of the police
18 department herein created, the chief of police, with the approval
19 of the board, shall appoint such number of police department
20 employees, including police officers and civilian employees as
21 the chief of police from time to time deems necessary.

22 2. The base annual compensation of police officers shall be
23 as follows for the several ranks:

24 (1) Lieutenant colonels, not to exceed five in number, at
25 not less than seventy-one thousand nine hundred sixty-nine
26 dollars, nor more than one hundred [twenty-one] thirty-three
27 thousand [seven] eight hundred [sixteen] eighty-eight dollars per
28 annum each;

1 (2) Majors at not less than sixty-four thousand six hundred
2 seventy-one dollars, nor more than one hundred ~~[eleven]~~ twenty-
3 two thousand ~~[forty-eight]~~ one hundred fifty-three dollars per
4 annum each;

5 (3) Captains at not less than fifty-nine thousand five
6 hundred thirty-nine dollars, nor more than one hundred ~~[one]~~
7 eleven thousand ~~[three]~~ four hundred ~~[four]~~ thirty-four dollars
8 per annum each;

9 (4) Sergeants at not less than forty-eight thousand six
10 hundred fifty-nine dollars, nor more than ~~[eighty-eight]~~ ninety-
11 seven thousand ~~[two hundred sixty]~~ eighty-six dollars per annum
12 each;

13 (5) Master patrol officers at not less than fifty-six
14 thousand three hundred four dollars, nor more than ~~[seventy-nine]~~
15 eighty-seven thousand seven hundred ~~[twenty-eight]~~ one dollars
16 per annum each;

17 (6) Master detectives at not less than fifty-six thousand
18 three hundred four dollars, nor more than ~~[seventy-nine]~~ eighty-
19 seven thousand seven hundred ~~[twenty-eight]~~ one dollars per annum
20 each;

21 (7) Detectives, investigators, and police officers at not
22 less than twenty-six thousand six hundred forty-three dollars,
23 nor more than ~~[seventy-five]~~ eighty-two thousand ~~[one]~~ six
24 hundred ~~[eight]~~ nineteen dollars per annum each.

25 3. The board of police commissioners has the authority by
26 resolution to effect a comprehensive pay schedule program to
27 provide for step increases with separate pay rates within each
28 rank, in the above-specified salary ranges from police officers

1 through chief of police.

2 4. Officers assigned to wear civilian clothes in the
3 performance of their regular duties may receive an additional one
4 hundred fifty dollars per month clothing allowance. Uniformed
5 officers may receive seventy-five dollars per month uniform
6 maintenance allowance.

7 5. The chief of police, subject to the approval of the
8 board, shall establish the total regular working hours for all
9 police department employees, and the board has the power, upon
10 recommendation of the chief, to pay additional compensation for
11 all hours of service rendered in excess of the established
12 regular working period, but the rate of overtime compensation
13 shall not exceed one and one-half times the regular hourly rate
14 of pay to which each member shall normally be entitled. No
15 credit shall be given nor deductions made from payments for
16 overtime for the purpose of retirement benefits.

17 6. The board of police commissioners, by majority
18 affirmative vote, including the mayor, has the authority by
19 resolution to authorize incentive pay in addition to the base
20 compensation as provided for in subsection 2 of this section, to
21 be paid police officers of any rank who they determine are
22 assigned duties which require an extraordinary degree of skill,
23 technical knowledge and ability, or which are highly demanding or
24 unusual. No credit shall be given nor deductions made from these
25 payments for the purpose of retirement benefits.

26 7. The board of police commissioners may effect programs to
27 provide additional compensation for successful completion of
28 academic work at an accredited college or university. No credit

1 shall be given nor deductions made from these payments for the
2 purpose of retirement benefits.

3 8. The additional pay increments provided in subsections 6
4 and 7 of this section shall not be considered a part of the base
5 compensation of police officers of any rank and shall not exceed
6 ten percent of what the officer would otherwise be entitled to
7 pursuant to subsections 2 and 3 of this section.

8 9. Not more than twenty-five percent of the officers in any
9 rank who are receiving the maximum rate of pay authorized by
10 subsections 2 and 3 of this section may receive the additional
11 pay increments authorized by subsections 6 and 7 of this section
12 at any given time. However, any officer receiving a pay
13 increment provided pursuant to the provisions of subsections 6
14 and 7 of this section shall not be deprived of such pay increment
15 as a result of the limitations of this subsection.

16 84.830. 1. [No person shall solicit orally, or by letter or
17 otherwise, or shall be in any manner concerned in soliciting, any
18 assessment, contribution, or payment for any political purpose
19 whatsoever from any officer or employee in the service of the
20 police department for such cities or from members of the said
21 police board.] No officer, agent, or employee of the police
22 department of such cities shall permit any [such] solicitation
23 for political purpose in any building or room occupied for the
24 discharge of the official duties of the said department. [No
25 officer or employee in the service of said police department
26 shall directly or indirectly give, pay, lend, or contribute any
27 part of his salary or compensation or any money or other valuable
28 thing to any person on account of, or to be applied to, the

1 promotion of any political party, political club, or any
2 political purpose whatever.]

3 2. No officer or employee of said department shall promote,
4 remove, or reduce any other official or employee, or promise or
5 threaten to do so, for withholding or refusing to make any
6 contribution for any political party or purpose or club, or for
7 refusal to render any political service, and shall not directly
8 or indirectly attempt to coerce, command, or advise any other
9 officer or employee to make any such contribution or render any
10 such service. No officer or employee in the service of said
11 department or member of the police board shall use his official
12 authority or influence for the purpose of interfering with any
13 election or any nomination for office, or affecting the result
14 thereof. No officer or employee of such department shall [be a
15 member or official of any committee of any political party, or be
16 a ward committeeman or committeewoman, nor shall any such officer
17 or employee] solicit any person to vote for or against any
18 candidate for public office, or "poll precincts" or be connected
19 with other political work of similar character on behalf of any
20 political organization, party, or candidate while on duty or
21 while wearing the official uniform of the department. All such
22 persons shall, however, retain the right to vote as they may
23 choose and to express their opinions on all political subjects
24 and candidates.

25 3. No person or officer or employee of said department
26 shall affix any sign, bumper sticker or other device to any
27 property or vehicle under the control of said department which
28 either supports or opposes any ballot measure or political

1 candidate.

2 4. No question in any examination shall relate to political
3 or religious opinions or affiliations, and no appointment,
4 transfer, layoff, promotion, reduction, suspension, or removal
5 shall be affected by such opinions or affiliations.

6 5. No person shall make false statement, certification,
7 mark, rating, or report with regard to any tests, certificate, or
8 appointment made under any provision of sections 84.350 to 84.860
9 or in any manner commit or attempt to commit any fraud preventing
10 the impartial execution of this section or any provision thereof.

11 6. No person shall, directly or indirectly, give, render,
12 pay, offer, solicit, or accept any money, service, or other
13 valuable consideration for or on account of any appointment,
14 proposed appointment, promotion to, or any advancement in, a
15 position in the service of the police departments of such cities.

16 7. No person shall defeat, deceive, or obstruct any person
17 in his right to examination, eligibility, certification,
18 appointment or promotion under sections 84.350 to 84.860, or
19 furnish to any person any such secret information for the purpose
20 of affecting the right or prospects of any person with respect to
21 employment in the police departments of such cities.

22 8. Any officer or any employee of the police department of
23 such cities who shall be found by the board to have violated any
24 of the provisions of this section shall be discharged forthwith
25 from said service. It shall be the duty of the chief of police
26 to prefer charges against any such offending person at once. Any
27 member of the board or of the common council of such cities may
28 bring suit to restrain payment of compensation to any such

1 offending officer or employee and, as an additional remedy, any
2 such member of the board or of the common council of such cities
3 may also apply to the circuit court for a writ of mandamus to
4 compel the dismissal of such offending officer or employee.
5 Officers or employees discharged by such mandamus shall have no
6 right of review before the police board. Any person dismissed or
7 convicted under this section shall, for a period of five years,
8 be ineligible for appointment to any position in the service of
9 the police department of such cities or the municipal government
10 of such cities. Any persons who shall willfully or through
11 culpable negligence violate any of the provisions of this section
12 may, upon conviction thereof, be punished by a fine of not less
13 than fifty dollars and not exceeding five hundred dollars, or by
14 imprisonment for a time not exceeding six months, or by both such
15 fine and imprisonment.

16 86.200. The following words and phrases as used in sections
17 86.200 to 86.366, unless a different meaning is plainly required
18 by the context, shall have the following meanings:

19 (1) "Accumulated contributions", the sum of all mandatory
20 contributions deducted from the compensation of a member and
21 credited to the member's individual account, together with
22 members' interest thereon;

23 (2) "Actuarial equivalent", a benefit of equal value when
24 computed upon the basis of mortality tables and interest
25 assumptions adopted by the board of trustees;

26 (3) "Average final compensation":

27 (a) With respect to a member who earns no creditable
28 service on or after October 1, 2001, the average earnable

1 compensation of the member during the member's last three years
2 of creditable service as a police officer, or if the member has
3 had less than three years of creditable service, the average
4 earnable compensation of the member's entire period of creditable
5 service;

6 (b) With respect to a member who is not participating in
7 the DROP pursuant to section 86.251 on October 1, 2001, who did
8 not participate in the DROP at any time before such date, and who
9 earns any creditable service on or after October 1, 2001, the
10 average earnable compensation of the member during the member's
11 last two years of creditable service as a policeman, or if the
12 member has had less than two years of creditable service, then
13 the average earnable compensation of the member's entire period
14 of creditable service;

15 (c) With respect to a member who is participating in the
16 DROP pursuant to section 86.251 on October 1, 2001, or whose
17 participation in DROP ended before such date, who returns to
18 active participation in the system pursuant to section 86.251,
19 and who terminates employment as a police officer for reasons
20 other than death or disability before earning at least two years
21 of creditable service after such return, the portion of the
22 member's benefit attributable to creditable service earned before
23 DROP entry shall be determined using average final compensation
24 as defined in paragraph (a) of this subdivision; and the portion
25 of the member's benefit attributable to creditable service earned
26 after return to active participation in the system shall be
27 determined using average final compensation as defined in
28 paragraph (b) of this subdivision;

1 (d) With respect to a member who is participating in the
2 DROP pursuant to section 86.251 on October 1, 2001, or whose
3 participation in the DROP ended before such date, who returns to
4 active participation in the system pursuant to section 86.251,
5 and who terminates employment as a police officer after earning
6 at least two years of creditable service after such return, the
7 member's benefit attributable to all of such member's creditable
8 service shall be determined using the member's average final
9 compensation as defined in paragraph (b) of this subdivision;

10 (e) With respect to a member who is participating in the
11 DROP pursuant to section 86.251 on October 1, 2001, or whose
12 participation in DROP ended before such date, who returns to
13 active participation in the system pursuant to section 86.251,
14 and whose employment as a police officer terminates due to death
15 or disability after such return, the member's benefit
16 attributable to all of such member's creditable service shall be
17 determined using the member's average final compensation as
18 defined in paragraph (b) of this subdivision; and

19 (f) With respect to the surviving spouse or surviving
20 dependent child of a member who earns any creditable service on
21 or after October 1, 2001, the average earnable compensation of
22 the member during the member's last two years of creditable
23 service as a police officer or, if the member has had less than
24 two years of creditable service, the average earnable
25 compensation of the member's entire period of creditable service;

26 (4) "Beneficiary", any person in receipt of a retirement
27 allowance or other benefit;

28 (5) "Board of police commissioners", any board of police

1 commissioners, police commissioners and any other officials or
2 boards now or hereafter authorized by law to employ and manage a
3 permanent police force in such cities;

4 (6) "Board of trustees", the board provided in sections
5 86.200 to 86.366 to administer the retirement system;

6 (7) "Creditable service", prior service plus membership
7 service as provided in sections 86.200 to 86.366;

8 (8) "DROP", the deferred retirement option plan provided
9 for in section 86.251;

10 (9) "Earnable compensation", the annual salary established
11 under section 84.160 which a member would earn during one year on
12 the basis of the member's rank or position [as specified in the
13 applicable salary matrix] plus any additional compensation for
14 academic work and shift differential that may be provided by any
15 official or board now or hereafter authorized by law to employ
16 and manage a permanent police force in such cities. Such amount
17 shall include the member's deferrals to a deferred compensation
18 plan pursuant to Section 457 of the Internal Revenue Code or to a
19 cafeteria plan pursuant to Section 125 of the Internal Revenue
20 Code or, effective October 1, 2001, to a transportation fringe
21 benefit program pursuant to Section 132(f)(4) of the Internal
22 Revenue Code. Earnable compensation shall not include a member's
23 additional compensation for overtime, standby time, court time,
24 nonuniform time or unused vacation time. Notwithstanding the
25 foregoing, the earnable compensation taken into account under the
26 plan established pursuant to sections 86.200 to 86.366 with
27 respect to a member who is a noneligible participant, as defined
28 in this subdivision, for any plan year beginning on or after

1 October 1, 1996, shall not exceed the amount of compensation that
2 may be taken into account under Section 401(a)(17) of the
3 Internal Revenue Code, as adjusted for increases in the cost of
4 living, for such plan year. For purposes of this subdivision, a
5 "noneligible participant" is an individual who first becomes a
6 member on or after the first day of the first plan year beginning
7 after the earlier of:

8 (a) The last day of the plan year that includes August 28,
9 1995; or

10 (b) December 31, 1995;

11 (10) "Internal Revenue Code", the federal Internal Revenue
12 Code of 1986, as amended;

13 (11) "Mandatory contributions", the contributions required
14 to be deducted from the salary of each member who is not
15 participating in DROP in accordance with section 86.320;

16 (12) "Medical board", the board of three physicians of
17 different disciplines appointed by the trustees of the police
18 retirement board and responsible for arranging and passing upon
19 all medical examinations required under the provisions of
20 sections 86.200 to 86.366, which board shall investigate all
21 essential statements and certificates made by or on behalf of a
22 member in connection with an application for disability
23 retirement and shall report in writing to the board of trustees
24 its conclusions and recommendations, which can be based upon the
25 opinion of a single member or that of an outside specialist if
26 one is appointed, upon all the matters referred to such medical
27 board;

28 (13) "Member", a member of the retirement system as defined

1 by sections 86.200 to 86.366;

2 [(13)] (14) "Members' interest", interest on accumulated
3 contributions at such rate as may be set from time to time by the
4 board of trustees;

5 [(14)] (15) "Membership service", service as a policeman
6 rendered since last becoming a member, except in the case of a
7 member who has served in the armed forces of the United States
8 and has subsequently been reinstated as a policeman, in which
9 case "membership service" means service as a policeman rendered
10 since last becoming a member prior to entering such armed
11 service;

12 [(15)] (16) "Plan year" or "limitation year", the twelve
13 consecutive-month period beginning each October first and ending
14 each September thirtieth;

15 [(16)] (17) "Policeman" or "police officer", any member of
16 the police force of such cities who holds a rank in such police
17 force;

18 [(17)] (18) "Prior service", all service as a policeman
19 rendered prior to the date the system becomes operative or prior
20 to membership service which is creditable in accordance with the
21 provisions of sections 86.200 to 86.366;

22 [(18)] (19) "Reserve officer", any member of the police
23 reserve force of such cities, armed or unarmed, who works less
24 than full time, without compensation, and who, by his or her
25 assigned function or as implied by his or her uniform, performs
26 duties associated with those of a police officer and who
27 currently receives a service retirement as provided by sections
28 86.200 to 86.366;

1 [(19)] (20) "Retirement allowance", annual payments for
2 life as provided by sections 86.200 to 86.366 which shall be
3 payable in equal monthly installments or any benefits in lieu
4 thereof granted to a member upon termination of employment as a
5 police officer and actual retirement;

6 [(20)] (21) "Retirement system", the police retirement
7 system of the cities as defined in sections 86.200 to 86.366;

8 [(21)] (22) "Surviving spouse", the surviving spouse of a
9 member who was the member's spouse at the time of the member's
10 death.

11 86.257. 1. Upon the application of [a member in service or
12 of] the board of police commissioners or any successor body, any
13 member who has completed ten or more years of creditable service
14 or upon the police retirement system created by sections 86.200
15 to 86.366 first attaining, after the effective date of this act,
16 a funded ratio, as defined in section 105.660 and as determined
17 by the system's annual actuarial valuation, of at least eighty
18 percent, a member who has completed five or more years of
19 creditable service and who has become permanently unable to
20 perform the duties of a police officer as the result of an injury
21 or illness not exclusively caused or induced by the actual
22 performance of his or her official duties or by his or her own
23 negligence shall be retired by the board of [trustees of the
24 police retirement system] police commissioners or any successor
25 body upon certification by the medical [director] board of the
26 police retirement system and approval by the board of trustees of
27 the police retirement system that the member is mentally or
28 physically unable to perform the duties of a police officer, that

1 the inability is permanent or likely to become permanent, and
2 that the member should be retired.

3 2. Once each year during the first five years following
4 such member's retirement, and at least once in every three-year
5 period thereafter, the board of trustees may, and upon the
6 member's application shall, require any nonduty disability
7 beneficiary who has not yet attained sixty years of age to
8 undergo a medical examination at a place designated by the
9 medical [director] board or such physicians as the medical
10 [director] board appoints. If any nonduty disability beneficiary
11 who has not attained sixty years of age refuses to submit to a
12 medical examination, his or her nonduty disability pension may be
13 discontinued until his or her withdrawal of such refusal, and if
14 his or her refusal continues for one year, all rights in and to
15 such pension may be revoked by the board of trustees.

16 3. If the medical [director] board certifies to the board
17 of trustees that a nonduty disability beneficiary is able to
18 perform the duties of a police officer, and if the board of
19 trustees concurs on the report, then such beneficiary's nonduty
20 disability pension shall cease.

21 4. If upon cessation of a disability pension under
22 subsection 3 of this section, the former disability beneficiary
23 is restored to active service, he or she shall again become a
24 member, and he or she shall contribute thereafter at the same
25 rate as other members. Upon his or her subsequent retirement, he
26 or she shall be credited with all of his or her active
27 retirement, but not including any time during which the former
28 disability beneficiary received a disability pension under this

1 section.

2 86.263. 1. Any member in active service who is permanently
3 unable to perform the full and unrestricted duties of a police
4 officer as the natural, proximate, and exclusive result of an
5 accident occurring within the actual performance of duty at some
6 definite time and place, through no negligence on the member's
7 part, shall[, upon application,] be retired by the board of
8 police commissioners or any successor body upon certification by
9 [the medical director of the police retirement system and
10 approval by the board of trustees of the police retirement
11 system] one or more physicians of the medical board that the
12 member is mentally or physically unable to perform the full and
13 unrestricted duties of a police officer [and] , that the
14 inability is permanent or [reasonably] likely to become
15 permanent, and that the member should be retired. The inability
16 to perform the "full and unrestricted duties of a police officer"
17 means the member is unable to perform all the essential job
18 functions for the position of police officer as established by
19 the board of police commissioners or any successor body.

20 2. No member shall be approved for retirement under the
21 provisions of subsection 1 of this section unless the application
22 was made and submitted to the board of [trustees of the police
23 retirement system] police commissioners or any successor body no
24 later than five years following the date of accident, provided,
25 that if the accident was reported within five years of the date
26 of the accident and an examination made of the member within
27 thirty days of the date of accident by a health care provider
28 whose services were provided through the board of police

1 commissioners with subsequent examinations made as requested,
2 then an application made more than five years following the date
3 of the accident shall be considered timely.

4 3. Once each year during the first five years following a
5 member's retirement, and at least once in every three-year period
6 thereafter, the board of trustees may require any disability
7 beneficiary who has not yet attained sixty years of age to
8 undergo a medical examination or medical examinations at a place
9 designated by the medical [director] board or such physicians as
10 the medical [director] board appoints. If any disability
11 beneficiary who has not attained sixty years of age refuses to
12 submit to a medical examination, his or her disability pension
13 may be discontinued by the board of trustees of the police
14 retirement system until his or her withdrawal of such refusal,
15 and if his or her refusal continues for one year, all rights in
16 and to such pension may be revoked by the board of trustees.

17 4. If the medical [director] board certifies to the board
18 of trustees that a disability beneficiary is able to perform the
19 duties of a police officer, [and if the board of trustees concurs
20 with the medical director's determination,] then such
21 beneficiary's disability pension shall cease.

22 5. If upon cessation of a disability pension under
23 subsection 4 of this section, the former disability beneficiary
24 is restored to active service, he or she shall again become a
25 member, and he or she shall contribute thereafter at the same
26 rate as other members. Upon his or her subsequent retirement, he
27 or she shall be credited with all of his or her active service
28 time as a member including the service time prior to receiving

1 disability retirement, but not including any time during which
2 the former disability beneficiary received a disability pension
3 under this section.

4 6. If upon cessation of a disability pension under
5 subsection 4 of this section, the former disability beneficiary
6 is not restored to active service, such former disability
7 beneficiary shall be entitled to the retirement benefit to which
8 such former disability beneficiary would have been entitled if
9 such former disability beneficiary had terminated service for any
10 reason other than dishonesty or being convicted of a felony at
11 the time of such cessation of such former disability
12 beneficiary's disability pension. For purposes of such
13 retirement benefits, such former disability beneficiary shall be
14 credited with all of the former disability beneficiary's active
15 service time as a member, but not including any time during which
16 the former disability beneficiary received a disability
17 beneficiary pension under this section.

18 99.845. 1. A municipality, either at the time a
19 redevelopment project is approved or, in the event a municipality
20 has undertaken acts establishing a redevelopment plan and
21 redevelopment project and has designated a redevelopment area
22 after the passage and approval of sections 99.800 to 99.865 but
23 prior to August 13, 1982, which acts are in conformance with the
24 procedures of sections 99.800 to 99.865, may adopt tax increment
25 allocation financing by passing an ordinance providing that after
26 the total equalized assessed valuation of the taxable real
27 property in a redevelopment project exceeds the certified total
28 initial equalized assessed valuation of the taxable real property

1 in the redevelopment project, the ad valorem taxes, and payments
2 in lieu of taxes, if any, arising from the levies upon taxable
3 real property in such redevelopment project by taxing districts
4 and tax rates determined in the manner provided in subsection 2
5 of section 99.855 each year after the effective date of the
6 ordinance until redevelopment costs have been paid shall be
7 divided as follows:

8 (1) That portion of taxes, penalties and interest levied
9 upon each taxable lot, block, tract, or parcel of real property
10 which is attributable to the initial equalized assessed value of
11 each such taxable lot, block, tract, or parcel of real property
12 in the area selected for the redevelopment project shall be
13 allocated to and, when collected, shall be paid by the county
14 collector to the respective affected taxing districts in the
15 manner required by law in the absence of the adoption of tax
16 increment allocation financing;

17 (2) (a) Payments in lieu of taxes attributable to the
18 increase in the current equalized assessed valuation of each
19 taxable lot, block, tract, or parcel of real property in the area
20 selected for the redevelopment project and any applicable penalty
21 and interest over and above the initial equalized assessed value
22 of each such unit of property in the area selected for the
23 redevelopment project shall be allocated to and, when collected,
24 shall be paid to the municipal treasurer who shall deposit such
25 payment in lieu of taxes into a special fund called the "Special
26 Allocation Fund" of the municipality for the purpose of paying
27 redevelopment costs and obligations incurred in the payment
28 thereof. Payments in lieu of taxes which are due and owing shall

1 constitute a lien against the real estate of the redevelopment
2 project from which they are derived and shall be collected in the
3 same manner as the real property tax, including the assessment of
4 penalties and interest where applicable. The municipality may,
5 in the ordinance, pledge the funds in the special allocation fund
6 for the payment of such costs and obligations and provide for the
7 collection of payments in lieu of taxes, the lien of which may be
8 foreclosed in the same manner as a special assessment lien as
9 provided in section 88.861. No part of the current equalized
10 assessed valuation of each lot, block, tract, or parcel of
11 property in the area selected for the redevelopment project
12 attributable to any increase above the total initial equalized
13 assessed value of such properties shall be used in calculating
14 the general state school aid formula provided for in section
15 163.031 until such time as all redevelopment costs have been paid
16 as provided for in this section and section 99.850;

17 (b) Notwithstanding any provisions of this section to the
18 contrary, for purposes of determining the limitation on
19 indebtedness of local government pursuant to article VI, section
20 26(b) of the Missouri Constitution, the current equalized
21 assessed value of the property in an area selected for
22 redevelopment attributable to the increase above the total
23 initial equalized assessed valuation shall be included in the
24 value of taxable tangible property as shown on the last completed
25 assessment for state or county purposes;

26 (c) The county assessor shall include the current assessed
27 value of all property within the taxing district in the aggregate
28 valuation of assessed property entered upon the assessor's book

1 and verified pursuant to section 137.245, and such value shall be
2 utilized for the purpose of the debt limitation on local
3 government pursuant to article VI, section 26(b) of the Missouri
4 Constitution;

5 (3) For purposes of this section, "levies upon taxable real
6 property in such redevelopment project by taxing districts" shall
7 not include the blind pension fund tax levied under the authority
8 of article III, section 38(b) of the Missouri Constitution, or
9 the merchants' and manufacturers' inventory replacement tax
10 levied under the authority of subsection 2 of section 6 of
11 article X of the Missouri Constitution, except in redevelopment
12 project areas in which tax increment financing has been adopted
13 by ordinance pursuant to a plan approved by vote of the governing
14 body of the municipality taken after August 13, 1982, and before
15 January 1, 1998.

16 2. In addition to the payments in lieu of taxes described
17 in subdivision (2) of subsection 1 of this section, for
18 redevelopment plans and projects adopted or redevelopment
19 projects approved by ordinance after July 12, 1990, and prior to
20 August 31, 1991, fifty percent of the total additional revenue
21 from taxes, penalties and interest imposed by the municipality,
22 or other taxing districts, which are generated by economic
23 activities within the area of the redevelopment project over the
24 amount of such taxes generated by economic activities within the
25 area of the redevelopment project in the calendar year prior to
26 the adoption of the redevelopment project by ordinance, while tax
27 increment financing remains in effect, but excluding taxes
28 imposed on sales or charges for sleeping rooms paid by transient

1 guests of hotels and motels, taxes levied pursuant to section
2 70.500, licenses, fees or special assessments other than payments
3 in lieu of taxes and any penalty and interest thereon, or,
4 effective January 1, 1998, taxes levied pursuant to section
5 94.660, for the purpose of public transportation, shall be
6 allocated to, and paid by the local political subdivision
7 collecting officer to the treasurer or other designated financial
8 officer of the municipality, who shall deposit such funds in a
9 separate segregated account within the special allocation fund.
10 Any provision of an agreement, contract or covenant entered into
11 prior to July 12, 1990, between a municipality and any other
12 political subdivision which provides for an appropriation of
13 other municipal revenues to the special allocation fund shall be
14 and remain enforceable.

15 3. In addition to the payments in lieu of taxes described
16 in subdivision (2) of subsection 1 of this section, for
17 redevelopment plans and projects adopted or redevelopment
18 projects approved by ordinance after August 31, 1991, fifty
19 percent of the total additional revenue from taxes, penalties and
20 interest which are imposed by the municipality or other taxing
21 districts, and which are generated by economic activities within
22 the area of the redevelopment project over the amount of such
23 taxes generated by economic activities within the area of the
24 redevelopment project in the calendar year prior to the adoption
25 of the redevelopment project by ordinance, while tax increment
26 financing remains in effect, but excluding personal property
27 taxes, taxes imposed on sales or charges for sleeping rooms paid
28 by transient guests of hotels and motels, taxes levied pursuant

1 to section 70.500, taxes levied for the purpose of public
2 transportation pursuant to section 94.660, licenses, fees or
3 special assessments other than payments in lieu of taxes and
4 penalties and interest thereon, [or] any sales tax imposed by a
5 county with a charter form of government and with more than six
6 hundred thousand but fewer than seven hundred thousand
7 inhabitants, for the purpose of sports stadium improvement or
8 levied by such county under section 238.410 for the purpose of
9 the county transit authority operating transportation facilities,
10 or for redevelopment plans and projects adopted or redevelopment
11 projects approved by ordinance after August 28, 2013, taxes
12 imposed on sales under section 650.399 for the purpose of
13 emergency communication systems, shall be allocated to, and paid
14 by the local political subdivision collecting officer to the
15 treasurer or other designated financial officer of the
16 municipality, who shall deposit such funds in a separate
17 segregated account within the special allocation fund.

18 4. Beginning January 1, 1998, for redevelopment plans and
19 projects adopted or redevelopment projects approved by ordinance
20 and which have complied with subsections 4 to 12 of this section,
21 in addition to the payments in lieu of taxes and economic
22 activity taxes described in subsections 1, 2 and 3 of this
23 section, up to fifty percent of the new state revenues, as
24 defined in subsection 8 of this section, estimated for the
25 businesses within the project area and identified by the
26 municipality in the application required by subsection 10 of this
27 section, over and above the amount of such taxes reported by
28 businesses within the project area as identified by the

1 municipality in their application prior to the approval of the
2 redevelopment project by ordinance, while tax increment financing
3 remains in effect, may be available for appropriation by the
4 general assembly as provided in subsection 10 of this section to
5 the department of economic development supplemental tax increment
6 financing fund, from the general revenue fund, for distribution
7 to the treasurer or other designated financial officer of the
8 municipality with approved plans or projects.

9 5. The treasurer or other designated financial officer of
10 the municipality with approved plans or projects shall deposit
11 such funds in a separate segregated account within the special
12 allocation fund established pursuant to section 99.805.

13 6. No transfer from the general revenue fund to the
14 Missouri supplemental tax increment financing fund shall be made
15 unless an appropriation is made from the general revenue fund for
16 that purpose. No municipality shall commit any state revenues
17 prior to an appropriation being made for that project. For all
18 redevelopment plans or projects adopted or approved after
19 December 23, 1997, appropriations from the new state revenues
20 shall not be distributed from the Missouri supplemental tax
21 increment financing fund into the special allocation fund unless
22 the municipality's redevelopment plan ensures that one hundred
23 percent of payments in lieu of taxes and fifty percent of
24 economic activity taxes generated by the project shall be used
25 for eligible redevelopment project costs while tax increment
26 financing remains in effect. This account shall be separate from
27 the account into which payments in lieu of taxes are deposited,
28 and separate from the account into which economic activity taxes

1 are deposited.

2 7. In order for the redevelopment plan or project to be
3 eligible to receive the revenue described in subsection 4 of this
4 section, the municipality shall comply with the requirements of
5 subsection 10 of this section prior to the time the project or
6 plan is adopted or approved by ordinance. The director of the
7 department of economic development and the commissioner of the
8 office of administration may waive the requirement that the
9 municipality's application be submitted prior to the
10 redevelopment plan's or project's adoption or the redevelopment
11 plan's or project's approval by ordinance.

12 8. For purposes of this section, "new state revenues"
13 means:

14 (1) The incremental increase in the general revenue portion
15 of state sales tax revenues received pursuant to section 144.020,
16 excluding sales taxes that are constitutionally dedicated, taxes
17 deposited to the school district trust fund in accordance with
18 section 144.701, sales and use taxes on motor vehicles, trailers,
19 boats and outboard motors and future sales taxes earmarked by
20 law. In no event shall the incremental increase include any
21 amounts attributable to retail sales unless the municipality or
22 authority has proven to the Missouri development finance board
23 and the department of economic development and such entities have
24 made a finding that the sales tax increment attributable to
25 retail sales is from new sources which did not exist in the state
26 during the baseline year. The incremental increase in the
27 general revenue portion of state sales tax revenues for an
28 existing or relocated facility shall be the amount that current

1 state sales tax revenue exceeds the state sales tax revenue in
2 the base year as stated in the redevelopment plan as provided in
3 subsection 10 of this section; or

4 (2) The state income tax withheld on behalf of new
5 employees by the employer pursuant to section 143.221 at the
6 business located within the project as identified by the
7 municipality. The state income tax withholding allowed by this
8 section shall be the municipality's estimate of the amount of
9 state income tax withheld by the employer within the
10 redevelopment area for new employees who fill new jobs directly
11 created by the tax increment financing project.

12 9. Subsection 4 of this section shall apply only to
13 blighted areas located in enterprise zones, pursuant to sections
14 135.200 to 135.256, blighted areas located in federal empowerment
15 zones, or to blighted areas located in central business districts
16 or urban core areas of cities which districts or urban core areas
17 at the time of approval of the project by ordinance, provided
18 that the enterprise zones, federal empowerment zones or blighted
19 areas contained one or more buildings at least fifty years old;
20 and

21 (1) Suffered from generally declining population or
22 property taxes over the twenty-year period immediately preceding
23 the area's designation as a project area by ordinance; or

24 (2) Was a historic hotel located in a county of the first
25 classification without a charter form of government with a
26 population according to the most recent federal decennial census
27 in excess of one hundred fifty thousand and containing a portion
28 of a city with a population according to the most recent federal

1 decennial census in excess of three hundred fifty thousand.

2 10. The initial appropriation of up to fifty percent of the
3 new state revenues authorized pursuant to subsections 4 and 5 of
4 this section shall not be made to or distributed by the
5 department of economic development to a municipality until all of
6 the following conditions have been satisfied:

7 (1) The director of the department of economic development
8 or his or her designee and the commissioner of the office of
9 administration or his or her designee have approved a tax
10 increment financing application made by the municipality for the
11 appropriation of the new state revenues. The municipality shall
12 include in the application the following items in addition to the
13 items in section 99.810:

14 (a) The tax increment financing district or redevelopment
15 area, including the businesses identified within the
16 redevelopment area;

17 (b) The base year of state sales tax revenues or the base
18 year of state income tax withheld on behalf of existing
19 employees, reported by existing businesses within the project
20 area prior to approval of the redevelopment project;

21 (c) The estimate of the incremental increase in the general
22 revenue portion of state sales tax revenue or the estimate for
23 the state income tax withheld by the employer on behalf of new
24 employees expected to fill new jobs created within the
25 redevelopment area after redevelopment;

26 (d) The official statement of any bond issue pursuant to
27 this subsection after December 23, 1997;

28 (e) An affidavit that is signed by the developer or

1 developers attesting that the provisions of subdivision (1) of
2 subsection 1 of section 99.810 have been met and specifying that
3 the redevelopment area would not be reasonably anticipated to be
4 developed without the appropriation of the new state revenues;

5 (f) The cost-benefit analysis required by section 99.810
6 includes a study of the fiscal impact on the state of Missouri;
7 and

8 (g) The statement of election between the use of the
9 incremental increase of the general revenue portion of the state
10 sales tax revenues or the state income tax withheld by employers
11 on behalf of new employees who fill new jobs created in the
12 redevelopment area;

13 (h) The name, street and mailing address, and phone number
14 of the mayor or chief executive officer of the municipality;

15 (i) The street address of the development site;

16 (j) The three-digit North American Industry Classification
17 System number or numbers characterizing the development project;

18 (k) The estimated development project costs;

19 (l) The anticipated sources of funds to pay such
20 development project costs;

21 (m) Evidence of the commitments to finance such development
22 project costs;

23 (n) The anticipated type and term of the sources of funds
24 to pay such development project costs;

25 (o) The anticipated type and terms of the obligations to be
26 issued;

27 (p) The most recent equalized assessed valuation of the
28 property within the development project area;

1 (q) An estimate as to the equalized assessed valuation
2 after the development project area is developed in accordance
3 with a development plan;

4 (r) The general land uses to apply in the development area;

5 (s) The total number of individuals employed in the
6 development area, broken down by full-time, part-time, and
7 temporary positions;

8 (t) The total number of full-time equivalent positions in
9 the development area;

10 (u) The current gross wages, state income tax withholdings,
11 and federal income tax withholdings for individuals employed in
12 the development area;

13 (v) The total number of individuals employed in this state
14 by the corporate parent of any business benefitting from public
15 expenditures in the development area, and all subsidiaries
16 thereof, as of December thirty-first of the prior fiscal year,
17 broken down by full-time, part-time, and temporary positions;

18 (w) The number of new jobs to be created by any business
19 benefitting from public expenditures in the development area,
20 broken down by full-time, part-time, and temporary positions;

21 (x) The average hourly wage to be paid to all current and
22 new employees at the project site, broken down by full-time,
23 part-time, and temporary positions;

24 (y) For project sites located in a metropolitan statistical
25 area, as defined by the federal Office of Management and Budget,
26 the average hourly wage paid to nonmanagerial employees in this
27 state for the industries involved at the project, as established
28 by the United States Bureau of Labor Statistics;

1 (z) For project sites located outside of metropolitan
2 statistical areas, the average weekly wage paid to nonmanagerial
3 employees in the county for industries involved at the project,
4 as established by the United States Department of Commerce;

5 (aa) A list of other community and economic benefits to
6 result from the project;

7 (bb) A list of all development subsidies that any business
8 benefitting from public expenditures in the development area has
9 previously received for the project, and the name of any other
10 granting body from which such subsidies are sought;

11 (cc) A list of all other public investments made or to be
12 made by this state or units of local government to support
13 infrastructure or other needs generated by the project for which
14 the funding pursuant to this section is being sought;

15 (dd) A statement as to whether the development project may
16 reduce employment at any other site, within or without the state,
17 resulting from automation, merger, acquisition, corporate
18 restructuring, relocation, or other business activity;

19 (ee) A statement as to whether or not the project involves
20 the relocation of work from another address and if so, the number
21 of jobs to be relocated and the address from which they are to be
22 relocated;

23 (ff) A list of competing businesses in the county
24 containing the development area and in each contiguous county;

25 (gg) A market study for the development area;

26 (hh) A certification by the chief officer of the applicant
27 as to the accuracy of the development plan;

28 (2) The methodologies used in the application for

1 determining the base year and determining the estimate of the
2 incremental increase in the general revenue portion of the state
3 sales tax revenues or the state income tax withheld by employers
4 on behalf of new employees who fill new jobs created in the
5 redevelopment area shall be approved by the director of the
6 department of economic development or his or her designee and the
7 commissioner of the office of administration or his or her
8 designee. Upon approval of the application, the director of the
9 department of economic development or his or her designee and the
10 commissioner of the office of administration or his or her
11 designee shall issue a certificate of approval. The department
12 of economic development may request the appropriation following
13 application approval;

14 (3) The appropriation shall be either a portion of the
15 estimate of the incremental increase in the general revenue
16 portion of state sales tax revenues in the redevelopment area or
17 a portion of the estimate of the state income tax withheld by the
18 employer on behalf of new employees who fill new jobs created in
19 the redevelopment area as indicated in the municipality's
20 application, approved by the director of the department of
21 economic development or his or her designee and the commissioner
22 of the office of administration or his or her designee. At no
23 time shall the annual amount of the new state revenues approved
24 for disbursements from the Missouri supplemental tax increment
25 financing fund exceed thirty-two million dollars;

26 (4) Redevelopment plans and projects receiving new state
27 revenues shall have a duration of up to fifteen years, unless
28 prior approval for a longer term is given by the director of the

1 department of economic development or his or her designee and the
2 commissioner of the office of administration or his or her
3 designee; except that, in no case shall the duration exceed
4 twenty-three years.

5 11. In addition to the areas authorized in subsection 9 of
6 this section, the funding authorized pursuant to subsection 4 of
7 this section shall also be available in a federally approved
8 levee district, where construction of a levee begins after
9 December 23, 1997, and which is contained within a county of the
10 first classification without a charter form of government with a
11 population between fifty thousand and one hundred thousand
12 inhabitants which contains all or part of a city with a
13 population in excess of four hundred thousand or more
14 inhabitants.

15 12. There is hereby established within the state treasury a
16 special fund to be known as the "Missouri Supplemental Tax
17 Increment Financing Fund", to be administered by the department
18 of economic development. The department shall annually
19 distribute from the Missouri supplemental tax increment financing
20 fund the amount of the new state revenues as appropriated as
21 provided in the provisions of subsections 4 and 5 of this section
22 if and only if the conditions of subsection 10 of this section
23 are met. The fund shall also consist of any gifts,
24 contributions, grants or bequests received from federal, private
25 or other sources. Moneys in the Missouri supplemental tax
26 increment financing fund shall be disbursed per project pursuant
27 to state appropriations.

28 13. Redevelopment project costs may include, at the

1 prerogative of the state, the portion of salaries and expenses of
2 the department of economic development and the department of
3 revenue reasonably allocable to each redevelopment project
4 approved for disbursements from the Missouri supplemental tax
5 increment financing fund for the ongoing administrative functions
6 associated with such redevelopment project. Such amounts shall
7 be recovered from new state revenues deposited into the Missouri
8 supplemental tax increment financing fund created under this
9 section.

10 14. For redevelopment plans or projects approved by
11 ordinance that result in net new jobs from the relocation of a
12 national headquarters from another state to the area of the
13 redevelopment project, the economic activity taxes and new state
14 tax revenues shall not be based on a calculation of the
15 incremental increase in taxes as compared to the base year or
16 prior calendar year for such redevelopment project, rather the
17 incremental increase shall be the amount of total taxes generated
18 from the net new jobs brought in by the national headquarters
19 from another state. In no event shall this subsection be
20 construed to allow a redevelopment project to receive an
21 appropriation in excess of up to fifty percent of the new state
22 revenues.

23 190.098. 1. In order for a person to be eligible for
24 certification by the department as a community paramedic, an
25 individual shall:

26 (1) Be currently certified as a paramedic;

27 (2) Successfully complete or have successfully completed a
28 community paramedic certification program from a college,

1 university, or educational institution that has been approved by
2 the department or accredited by a national accreditation
3 organization approved by the department; and

4 (3) Complete an application form approved by the
5 department.

6 2. A community paramedic shall practice in accordance with
7 protocols and supervisory standards established by the medical
8 director. A community paramedic shall provide services of a
9 health care plan if the plan has been developed by the patient's
10 physician or by an advanced practice registered nurse through a
11 collaborative practice arrangement with a physician or a
12 physician assistant through a collaborative practice arrangement
13 with a physician and there is no duplication of services to the
14 patient from another provider.

15 3. Any ambulance service shall enter into a written
16 contract to provide community paramedic services in another
17 ambulance service area, as that term is defined in section
18 190.100. The contract that is agreed upon may be for an
19 indefinite period of time, as long as it includes at least a
20 sixty-day cancellation notice by either ambulance service.

21 4. A community paramedic is subject to the provisions of
22 sections 190.001 to 190.245 and rules promulgated under sections
23 190.001 to 190.245.

24 5. No person shall hold himself or herself out as a
25 community paramedic or provide the services of a community
26 paramedic unless such person is certified by the department.

27 6. The medical director shall approve the implementation of
28 the community paramedic program.

1 7. Any rule or portion of a rule, as that term is defined
2 in section 536.010, that is created under the authority delegated
3 in this section shall become effective only if it complies with
4 and is subject to all of the provisions of chapter 536 and, if
5 applicable, section 536.028. This section and chapter 536 are
6 nonseverable and if any of the powers vested with the general
7 assembly pursuant to chapter 536 to review, to delay the
8 effective date, or to disapprove and annul a rule are
9 subsequently held unconstitutional, then the grant of rulemaking
10 authority and any rule proposed or adopted after August 28, 2013,
11 shall be invalid and void.

12 190.100. As used in sections 190.001 to 190.245, the
13 following words and terms mean:

14 (1) "Advanced life support (ALS)", an advanced level of
15 care as provided to the adult and pediatric patient such as
16 defined by national curricula, and any modifications to that
17 curricula specified in rules adopted by the department pursuant
18 to sections 190.001 to 190.245;

19 (2) "Ambulance", any privately or publicly owned vehicle or
20 craft that is specially designed, constructed or modified,
21 staffed or equipped for, and is intended or used, maintained or
22 operated for the transportation of persons who are sick, injured,
23 wounded or otherwise incapacitated or helpless, or who require
24 the presence of medical equipment being used on such individuals,
25 but the term does not include any motor vehicle specially
26 designed, constructed or converted for the regular transportation
27 of persons who are disabled, handicapped, normally using a
28 wheelchair, or otherwise not acutely ill, or emergency vehicles

1 used within airports;

2 (3) "Ambulance service", a person or entity that provides
3 emergency or nonemergency ambulance transportation and services,
4 or both, in compliance with sections 190.001 to 190.245, and the
5 rules promulgated by the department pursuant to sections 190.001
6 to 190.245;

7 (4) "Ambulance service area", a specific geographic area in
8 which an ambulance service has been authorized to operate;

9 (5) "Basic life support (BLS)", a basic level of care, as
10 provided to the adult and pediatric patient as defined by
11 national curricula, and any modifications to that curricula
12 specified in rules adopted by the department pursuant to sections
13 190.001 to 190.245;

14 (6) "Council", the state advisory council on emergency
15 medical services;

16 (7) "Department", the department of health and senior
17 services, state of Missouri;

18 (8) "Director", the director of the department of health
19 and senior services or the director's duly authorized
20 representative;

21 (9) "Dispatch agency", any person or organization that
22 receives requests for emergency medical services from the public,
23 by telephone or other means, and is responsible for dispatching
24 emergency medical services;

25 (10) "Emergency", the sudden and, at the time, unexpected
26 onset of a health condition that manifests itself by symptoms of
27 sufficient severity that would lead a prudent layperson,
28 possessing an average knowledge of health and medicine, to

1 believe that the absence of immediate medical care could result
2 in:

3 (a) Placing the person's health, or with respect to a
4 pregnant woman, the health of the woman or her unborn child, in
5 significant jeopardy;

6 (b) Serious impairment to a bodily function;

7 (c) Serious dysfunction of any bodily organ or part;

8 (d) Inadequately controlled pain;

9 (11) "Emergency medical dispatcher", a person who receives
10 emergency calls from the public and has successfully completed an
11 emergency medical dispatcher course, meeting or exceeding the
12 national curriculum of the United States Department of
13 Transportation and any modifications to such curricula specified
14 by the department through rules adopted pursuant to sections
15 190.001 to 190.245;

16 (12) "Emergency medical response agency", any person that
17 regularly provides a level of care that includes first response,
18 basic life support or advanced life support, exclusive of patient
19 transportation;

20 (13) "Emergency medical services for children (EMS-C)
21 system", the arrangement of personnel, facilities and equipment
22 for effective and coordinated delivery of pediatric emergency
23 medical services required in prevention and management of
24 incidents which occur as a result of a medical emergency or of an
25 injury event, natural disaster or similar situation;

26 (14) "Emergency medical services (EMS) system", the
27 arrangement of personnel, facilities and equipment for the
28 effective and coordinated delivery of emergency medical services

1 required in prevention and management of incidents occurring as a
2 result of an illness, injury, natural disaster or similar
3 situation;

4 (15) "Emergency medical technician", a person licensed in
5 emergency medical care in accordance with standards prescribed by
6 sections 190.001 to 190.245, and by rules adopted by the
7 department pursuant to sections 190.001 to 190.245;

8 (16) "Emergency medical technician-basic" or "EMT-B", a
9 person who has successfully completed a course of instruction in
10 basic life support as prescribed by the department and is
11 licensed by the department in accordance with standards
12 prescribed by sections 190.001 to 190.245 and rules adopted by
13 the department pursuant to sections 190.001 to 190.245;

14 (17) "Emergency medical technician-community paramedic",
15 "community paramedic", or "EMT-CP", a person who is certified as
16 an emergency medical technician-paramedic and is certified by the
17 department in accordance with standards prescribed in section
18 190.098;

19 (18) "Emergency medical technician-intermediate" or "EMT-
20 I", a person who has successfully completed a course of
21 instruction in certain aspects of advanced life support care as
22 prescribed by the department and is licensed by the department in
23 accordance with sections 190.001 to 190.245 and rules and
24 regulations adopted by the department pursuant to sections
25 190.001 to 190.245;

26 [(18)] (19) "Emergency medical technician-paramedic" or
27 "EMT-P", a person who has successfully completed a course of
28 instruction in advanced life support care as prescribed by the

1 department and is licensed by the department in accordance with
2 sections 190.001 to 190.245 and rules adopted by the department
3 pursuant to sections 190.001 to 190.245;

4 [(19)] (20) "Emergency services", health care items and
5 services furnished or required to screen and stabilize an
6 emergency which may include, but shall not be limited to, health
7 care services that are provided in a licensed hospital's
8 emergency facility by an appropriate provider or by an ambulance
9 service or emergency medical response agency;

10 [(20)] (21) "First responder", a person who has
11 successfully completed an emergency first response course meeting
12 or exceeding the national curriculum of the United States
13 Department of Transportation and any modifications to such
14 curricula specified by the department through rules adopted
15 pursuant to sections 190.001 to 190.245 and who provides
16 emergency medical care through employment by or in association
17 with an emergency medical response agency;

18 [(21)] (22) "Health care facility", a hospital, nursing
19 home, physician's office or other fixed location at which medical
20 and health care services are performed;

21 [(22)] (23) "Hospital", an establishment as defined in the
22 hospital licensing law, subsection 2 of section 197.020, or a
23 hospital operated by the state;

24 [(23)] (24) "Medical control", supervision provided by or
25 under the direction of physicians to providers by written or
26 verbal communications;

27 [(24)] (25) "Medical direction", medical guidance and
28 supervision provided by a physician to an emergency services

1 provider or emergency medical services system;

2 [(25)] (26) "Medical director", a physician licensed
3 pursuant to chapter 334 designated by the ambulance service or
4 emergency medical response agency and who meets criteria
5 specified by the department by rules pursuant to sections 190.001
6 to 190.245;

7 [(26)] (27) "Memorandum of understanding", an agreement
8 between an emergency medical response agency or dispatch agency
9 and an ambulance service or services within whose territory the
10 agency operates, in order to coordinate emergency medical
11 services;

12 [(27)] (28) "Patient", an individual who is sick, injured,
13 wounded, diseased, or otherwise incapacitated or helpless, or
14 dead, excluding deceased individuals being transported from or
15 between private or public institutions, homes or cemeteries, and
16 individuals declared dead prior to the time an ambulance is
17 called for assistance;

18 [(28)] (29) "Person", as used in these definitions and
19 elsewhere in sections 190.001 to 190.245, any individual, firm,
20 partnership, copartnership, joint venture, association,
21 cooperative organization, corporation, municipal or private, and
22 whether organized for profit or not, state, county, political
23 subdivision, state department, commission, board, bureau or
24 fraternal organization, estate, public trust, business or common
25 law trust, receiver, assignee for the benefit of creditors,
26 trustee or trustee in bankruptcy, or any other service user or
27 provider;

28 [(29)] (30) "Physician", a person licensed as a physician

1 pursuant to chapter 334;

2 [(30)] (31) "Political subdivision", any municipality,
3 city, county, city not within a county, ambulance district or
4 fire protection district located in this state which provides or
5 has authority to provide ambulance service;

6 [(31)] (32) "Professional organization", any organized
7 group or association with an ongoing interest regarding emergency
8 medical services. Such groups and associations could include
9 those representing volunteers, labor, management, firefighters,
10 EMT-B's, nurses, EMT-P's, physicians, communications specialists
11 and instructors. Organizations could also represent the
12 interests of ground ambulance services, air ambulance services,
13 fire service organizations, law enforcement, hospitals, trauma
14 centers, communication centers, pediatric services, labor unions
15 and poison control services;

16 [(32)] (33) "Proof of financial responsibility", proof of
17 ability to respond to damages for liability, on account of
18 accidents occurring subsequent to the effective date of such
19 proof, arising out of the ownership, maintenance or use of a
20 motor vehicle in the financial amount set in rules promulgated by
21 the department, but in no event less than the statutory minimum
22 required for motor vehicles. Proof of financial responsibility
23 shall be used as proof of self-insurance;

24 [(33)] (34) "Protocol", a predetermined, written medical
25 care guideline, which may include standing orders;

26 [(34)] (35) "Regional EMS advisory committee", a committee
27 formed within an emergency medical services (EMS) region to
28 advise ambulance services, the state advisory council on EMS and

1 the department;

2 [(35)] (36) "Specialty care transportation", the
3 transportation of a patient requiring the services of an
4 emergency medical technician-paramedic who has received
5 additional training beyond the training prescribed by the
6 department. Specialty care transportation services shall be
7 defined in writing in the appropriate local protocols for ground
8 and air ambulance services and approved by the local physician
9 medical director. The protocols shall be maintained by the local
10 ambulance service and shall define the additional training
11 required of the emergency medical technician-paramedic;

12 [(36)] (37) "Stabilize", with respect to an emergency, the
13 provision of such medical treatment as may be necessary to
14 attempt to assure within reasonable medical probability that no
15 material deterioration of an individual's medical condition is
16 likely to result from or occur during ambulance transportation
17 unless the likely benefits of such transportation outweigh the
18 risks;

19 [(37)] (38) "State advisory council on emergency medical
20 services", a committee formed to advise the department on policy
21 affecting emergency medical service throughout the state;

22 [(38)] (39) "State EMS medical directors advisory
23 committee", a subcommittee of the state advisory council on
24 emergency medical services formed to advise the state advisory
25 council on emergency medical services and the department on
26 medical issues;

27 [(39)] (40) "STEMI" or "ST-elevation myocardial
28 infarction", a type of heart attack in which impaired blood flow

1 to the patient's heart muscle is evidenced by ST-segment
2 elevation in electrocardiogram analysis, and as further defined
3 in rules promulgated by the department under sections 190.001 to
4 190.250;

5 [(40)] (41) "STEMI care", includes education and
6 prevention, emergency transport, triage, and acute care and
7 rehabilitative services for STEMI that requires immediate medical
8 or surgical intervention or treatment;

9 [(41)] (42) "STEMI center", a hospital that is currently
10 designated as such by the department to care for patients with
11 ST-segment elevation myocardial infarctions;

12 [(42)] (43) "Stroke", a condition of impaired blood flow to
13 a patient's brain as defined by the department;

14 [(43)] (44) "Stroke care", includes emergency transport,
15 triage, and acute intervention and other acute care services for
16 stroke that potentially require immediate medical or surgical
17 intervention or treatment, and may include education, primary
18 prevention, acute intervention, acute and subacute management,
19 prevention of complications, secondary stroke prevention, and
20 rehabilitative services;

21 [(44)] (45) "Stroke center", a hospital that is currently
22 designated as such by the department;

23 [(45)] (46) "Trauma", an injury to human tissues and organs
24 resulting from the transfer of energy from the environment;

25 [(46)] (47) "Trauma care" includes injury prevention,
26 triage, acute care and rehabilitative services for major single
27 system or multisystem injuries that potentially require immediate
28 medical or surgical intervention or treatment;

1 [(47)] (48) "Trauma center", a hospital that is currently
2 designated as such by the department.

3 321.015. 1. No person holding any lucrative office or
4 employment under this state, or any political subdivision thereof
5 as defined in section 70.120, shall hold the office of fire
6 protection district director under this chapter. When any fire
7 protection district director accepts any office or employment
8 under this state or any political subdivision thereof, his office
9 shall thereby be vacated and he shall thereafter perform no duty
10 and receive no salary or expenses as fire protection district
11 director.

12 2. This section shall not apply to:

13 (1) Members of the organized militia, of the reserve corps,
14 public school employees and notaries public[, or to];

15 (2) Fire protection districts located wholly within
16 counties of the second, third or fourth [class or]
17 classification;

18 (3) Fire protection districts in counties of the first
19 classification with less than eighty-five thousand inhabitants;

20 (4) Fire protection districts located within [first class]
21 counties of the first classification not adjoining any other
22 [first class] county[, nor shall this section apply to] of the
23 first classification;

24 (5) Fire protection districts located within any county of
25 the first or second [class] classification not having more than
26 nine hundred thousand inhabitants which borders any three [first
27 class] counties of the first classification; [nor shall this
28 section apply to];

1 (6) Fire protection districts located within any [first
2 class] county [without a charter form of government] of the first
3 classification which adjoins both a [first class] county with a
4 charter form of government with [at least] more than nine hundred
5 fifty thousand inhabitants, and adjoins at least four other
6 counties;

7 (7) Fire protection districts located within any county of
8 the first classification with more than one hundred fifty
9 thousand but fewer than two hundred thousand inhabitants.

10 3. For the purposes of this section, the term "lucrative
11 office or employment" does not include receiving retirement
12 benefits, compensation for expenses, or a stipend or per diem, in
13 an amount not to exceed seventy-five dollars for each day of
14 service, for service rendered to a fire protection district, the
15 state or any political subdivision thereof.

16 321.322. 1. If any property located within the boundaries
17 of a fire protection district shall be included within a city
18 having a population of at least two thousand five hundred but not
19 more than sixty-five thousand which is not wholly within the fire
20 protection district and which maintains a city fire department,
21 then upon the date of actual inclusion of the property within the
22 city, as determined by the annexation process, the city shall
23 within sixty days assume by contract with the fire protection
24 district all responsibility for payment in a lump sum or in
25 installments an amount mutually agreed upon by the fire
26 protection district and the city for the city to cover all
27 obligations of the fire protection district to the area included
28 within the city, and thereupon the fire protection district shall

1 convey to the city the title, free and clear of all liens or
2 encumbrances of any kind or nature, any such tangible real and
3 personal property of the fire protection district as may be
4 agreed upon, which is located within the part of the fire
5 protection district located within the corporate limits of the
6 city with full power in the city to use and dispose of such
7 tangible real and personal property as the city deems best in the
8 public interest, and the fire protection district shall no longer
9 levy and collect any tax upon the property included within the
10 corporate limits of the city; except that, if the city and the
11 fire protection district cannot mutually agree to such an
12 arrangement, then the city shall assume responsibility for fire
13 protection in the annexed area on or before January first of the
14 third calendar year following the actual inclusion of the
15 property within the city, as determined by the annexation
16 process, and furthermore the fire protection district shall not
17 levy and collect any tax upon that property included within the
18 corporate limits of the city after the date of inclusion of that
19 property:

20 (1) On or before January first of the second calendar year
21 occurring after the date on which the property was included
22 within the city, the city shall pay to the fire protection
23 district a fee equal to the amount of revenue which would have
24 been generated during the previous calendar year by the fire
25 protection district tax on the property in the area annexed which
26 was formerly a part of the fire protection district;

27 (2) On or before January first of the third calendar year
28 occurring after the date on which the property was included

1 within the city, the city shall pay to the fire protection
2 district a fee equal to four-fifths of the amount of revenue
3 which would have been generated during the previous calendar year
4 by the fire protection district tax on the property in the area
5 annexed which was formerly a part of the fire protection
6 district;

7 (3) On or before January first of the fourth calendar year
8 occurring after the date on which the property was included
9 within the city, the city shall pay to the fire protection
10 district a fee equal to three-fifths of the amount of revenue
11 which would have been generated during the previous calendar year
12 by the fire protection district tax on the property in the area
13 annexed which was formerly a part of the fire protection
14 district;

15 (4) On or before January first of the fifth calendar year
16 occurring after the date on which the property was included
17 within the city, the city shall pay to the fire protection
18 district a fee equal to two-fifths of the amount of revenue which
19 would have been generated during the previous calendar year by
20 the fire protection district tax on the property in the area
21 annexed which was formerly a part of the fire protection
22 district; and

23 (5) On or before January first of the sixth calendar year
24 occurring after the date on which the property was included
25 within the city, the city shall pay to the fire protection
26 district a fee equal to one-fifth of the amount of revenue which
27 would have been generated during the previous calendar year by
28 the fire protection district tax on the property in the area

1 annexed which was formerly a part of the fire protection
2 district.

3
4 Nothing contained in this section shall prohibit the ability of a
5 city to negotiate contracts with a fire protection district for
6 mutually agreeable services. This section shall also apply to
7 those fire protection districts and cities which have not reached
8 agreement on overlapping boundaries previous to August 28, 1990.
9 Such fire protection districts and cities shall be treated as
10 though inclusion of the annexed area took place on December
11 thirty-first immediately following August 28, 1990.

12 2. Any property excluded from a fire protection district by
13 reason of subsection 1 of this section shall be subject to the
14 provisions of section 321.330.

15 3. The provisions of this section shall not apply in any
16 county of the first class having a charter form of government and
17 having a population of over nine hundred thousand inhabitants.

18 4. The provisions of this section shall not apply where the
19 annexing city or town operates a city fire department and was on
20 January 1, 2005, a city of the fourth classification with more
21 than eight thousand nine hundred but fewer than nine thousand
22 inhabitants and entirely surrounded by a single fire district.
23 In such cases, the provision of fire and emergency medical
24 services following annexation shall be governed by subsections 2
25 and 3 of section 72.418.

26 5. The provisions of this section shall not apply where the
27 annexing city or town operates a city fire department, is any
28 city of the third classification with more than six thousand but

1 fewer than seven thousand inhabitants and located in any county
2 with a charter form of government and with more than two hundred
3 thousand but fewer than three hundred fifty thousand inhabitants,
4 and is entirely surrounded by a single fire protection district.
5 In such cases, the provision of fire and emergency medical
6 services following annexation shall be governed by subsections 2
7 and 3 of section 72.418.